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REARDEN COMMERCE, INC.

UNITED STATES DISTRICT COURT

Case 3:06-cv-07367-MJJ Document 24 Filed 01/19/07 Page 1 of 3

SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability
company; REARDEN PRODUCTIONS, LLC;
a California limited liability company;
REARDEN STUDIOS, LLC; a California
limited liability company; REARDEN, INC., a
California corporation; and REARDEN
PROPERTIES, LLC; a California limited
liability company,

Plaintiffs,

v.

REARDEN COMMERCE, INC., a California
corporation, and DOES 1 through 150, inclusive,

Defendants.

No.: 06-7367 MJJ

**STIPULATION AND
PROPOSED ORDER RE
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

SF/21698348.4

1 Plaintiffs Rearden LLC; Rearden Productions, LLC; Rearden Studios, LLC;
 2 Rearden, Inc.; and Rearden Properties, LLC (collectively "Rearden") and Defendant Rearden
 3 Commerce, Inc. ("Rearden Commerce") **STIPULATE AND AGREE** as follows:

4 a. Rearden Commerce, its officers, directors, agents, servants,
 5 employees and attorneys, and all persons acting under Rearden Commerce's
 6 direction or with Rearden Commerce's approval (collectively "REARDEN
 7 COMMERCE ET AL") shall not assert in any forum, public or private, that
 8 Rearden Commerce has a registered trademark for the term "Rearden
 9 Commerce," unless and until such term is indeed officially registered by the U.S.
 10 Patent & Trademark Office in the name of Rearden Commerce, or any entity
 11 serving as an affiliate, subsidiary, and/or successor-in-interest to Rearden
 12 Commerce. REARDEN COMMERCE ET AL can disclose whether the
 13 trademark or service mark "Rearden Commerce" is registered in any other forum
 14 other than the USPTO (such as the Trademark Office of any State or foreign
 15 country) as long as it expressly identifies with that representation the State or
 16 foreign country for which registration has issued.

Case 3:06-cv-07367-MJJ Document 24 Filed 01/19/2007 Page 2 of 3

17 b. REARDEN COMMERCE ET AL shall not assert, in any forum,
 18 public or private, that Rearden Commerce has a registered trademark for the term
 19 "Rearden Commerce.com," unless and until such term is indeed officially
 20 registered by the U.S. Patent & Trademark Office in the name of Rearden
 21 Commerce, or any entity serving as an affiliate, subsidiary, and/or successor-in-
 22 interest to Rearden Commerce. REARDEN COMMERCE ET AL can disclose
 23 whether the trademark or service mark "Rearden Commerce.COM" is registered
 24 in any other forum other than the USPTO (such as the Trademark Office of any
 25 State or foreign country) as long as it expressly identifies with that representation
 26 the State or foreign country for which registration has issued.

27 c. The hearing set for January 23, 2007, at 9:30 a.m. on Rearden's
 28 Motion for Preliminary Injunction, which was filed on November 30, 2006, is

SF/21698348.4

1 vacated as moot.

2 GOOD CAUSE APPEARING, IT IS SO ORDERED.

3 DATED: January 22, 2007

4 

5 The Honorable Martin J. Jenkins
6 United States District Court
7 Northern District of California

8 DATED: January 19, 2007

9 BINGHAM McCUTCHEN LLP

10 By: 

11 Trenton H. Norris
12 Attorneys for Plaintiffs
13 Rearden LLC; Rearden Productions, LLC;
14 Rearden Studios, LLC; Rearden, Inc.; and
15 Rearden Properties, LLC

16 DATED: January 19, 2007

17 GREENBERG TRAURIG, LLP

18 Case 3:06-cv-07367-MJJ

19 Document 24

20 Filed 01/19/2007

21 Page 3 of 3

22 By: 

23 Herbert H. Finn
24 Attorneys for Defendant
25 Rearden Commerce, Inc.